

AMENDED IN SENATE MAY 5, 2004
AMENDED IN SENATE APRIL 27, 2004
AMENDED IN SENATE APRIL 19, 2004
AMENDED IN SENATE APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 782

Introduced by Assembly Member Kehoe
(Principal coauthor: Senator Burton)
(*Coauthors: Assembly Members Corbett and Pacheco*)
(*Coauthor: Senator Morrow*)

February 20, 2003

An act to repeal and add Section 2024.5 of, and to add Section 2024.6 to, the Family Code, relating to court records, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 782, as amended, Kehoe. Court records: family law.

Existing law generally recognizes court records as public records, unless a specific exception applies. Under existing law, one exception with respect to dissolution matters allows social security numbers of persons involved to be kept in the confidential portion of court files.

This bill would establish procedures for keeping the location or identifying information about the assets and liabilities of the parties in a dissolution matter sealed. The bill would require a related Judicial Council form to be revised *no later than July 1, 2005*, in accordance with those procedures and would make other related changes. The bill

would also repeal the provision described above which allows social security numbers to be kept in a confidential portion of the court files. The bill would instead ~~require the Judicial Council form used to file a petition in specified dissolution matters to contain a notice that the parties may authorize a petitioner or respondent to redact social security numbers from pleadings, attachments, documents, or other material filed with the court, except as specified.~~

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2024.5 of the Family Code is repealed.
- 2 SEC. 2. Section 2024.5 is added to the Family Code, to read:
- 3 ~~2024.5. (a) The Judicial Council form used to file a petition~~
- 4 ~~for dissolution of marriage, nullity of marriage, or legal~~
- 5 ~~separation, or a response to such a petition shall contain a notice~~
- 6 ~~that the parties may redact any social security numbers from~~
- 7 ~~pleadings, attachments, documents, or other material filed with the~~
- 8 ~~court.~~
- 9 ~~(b) An Abstract of Support Judgment or any similar form~~
- 10 ~~created by the Judicial Council or the Department of Child Support~~
- 11 ~~Services for the purpose of collecting child support payments is~~
- 12 ~~not subject to subdivision (a).~~
- 13 2024.5. (a) *Except as provided in subdivision (b), the*
- 14 *petitioner or respondent may redact any social security number*
- 15 *from any pleading, attachment, document, or other written*
- 16 *material filed with the court pursuant to a petition for dissolution*
- 17 *of marriage, nullity of marriage, or legal separation. The Judicial*
- 18 *Council form used to file such a petition, or a response to such a*
- 19 *petition, shall contain a notice that the parties may redact any*
- 20 *social security numbers from those pleadings, attachments,*
- 21 *documents, or other material filed with the court.*
- 22 (b) *An abstract of support judgment, the form required*
- 23 *pursuant to subdivision (b) of Section 4014, or any similar form*
- 24 *created for the purpose of collecting child or spousal support*
- 25 *payments may not be redacted pursuant to subdivision (a).*
- 26 SEC. 3. Section 2024.6 is added to the Family Code, to read:



2024.6. (a) Upon request by a party to a petition for dissolution of marriage, nullity of marriage, or legal separation, the court shall order a pleading that lists the parties' financial assets and liabilities and provides the location or identifying information about those assets and liabilities sealed. The request may be made by ex parte application. *Nothing sealed pursuant to this section may be unsealed except upon petition to the court and good cause shown.*

(b) ~~The~~ *Commencing not later than July 1, 2005, the* Judicial Council form used to declare assets and liabilities of the parties in a ~~petition~~ *proceeding* for dissolution of marriage, nullity of marriage, or legal separation of the parties shall require the party filing the form to state whether the declaration contains identifying information on the assets and liabilities listed therein. If the party making the request uses a pleading other than the Judicial Council form, the pleading shall exhibit a notice on the front page, in bold capital letters, that the pleading lists and identifies financial information and is therefore subject to this section.

(c) For purposes of this section, "pleading" means a document that sets forth or declares the parties' assets and liabilities, *income and expenses*, a marital settlement agreement that lists and identifies the parties' assets and liabilities, or any document filed with the court incidental to the declaration or agreement that lists and identifies financial information.

(e) The party making the request to seal a pleading pursuant to subdivision (a) shall serve a copy of the pleading on the other party to the proceeding and file a proof of service with the request to seal the pleading.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

It is necessary that this act take effect immediately as an urgency statute because the records that this act seeks to protect may disclose identifying information and location of assets and liabilities, thereby subjecting the affected parties and their children, as well as their assets and liabilities, to criminal activity, violations of privacy, and other potential harm.

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2	CORRECTIONS
3	Text — Pages 2.
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